

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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JO-ANN D. RIPKA,

Civil Action No: 5:14-CV-1442 (DNH/DEP)

Plaintiff-Respondent,
-against-

NOTICE OF REMOVAL

SAFECO INSURANCE A/K/A
PEERLESS INSURANCE COMPANY,

Defendants-Petitioners.

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M A D A M S / S I R S :

Defendants-petitioners SAFECO INSURANCE COMPANY OF AMERICA
("Safeco") and PEERLESS INSURANCE COMPANY ("Peerless"), by their attorneys,
JAFFE & ASHER LLP, respectfully allege as follows:

1. On or about November 6, 2014, Safeco and Peerless received a
copy of the Summons with Notice in an action entitled Ripka v. Safeco Insurance a/k/a
Peerless Insurance Company, Index No. 14-1514, which was filed on September 23,
2014 in the Supreme Court of the State of New York, County of Oswego. No
Complaint has been served or filed. A copy of the Summons with Notice is annexed
hereto as Exhibit "A".

2. Plaintiff alleges in the Summons with Notice that "[t]he basis for this
action is breach of contract, breach of statute and bad faith." Plaintiff alleges that "[t]he
amount sought is \$200,000.00." (See Exhibit "A.")

3. The Notice of Removal is being filed by Safeco and Peerless in the
United States District Court for the Northern District of New York within thirty (30) days

of the receipt of the Summons with Notice and is timely filed pursuant to 28 U.S.C. §§ 1441 and 1446.

4. Safeco and Peerless' time to respond to the Summons with Notice has not expired.

5. This Court has diversity jurisdiction over this civil action pursuant to 28 U.S.C. § 1332; the amount in controversy exceeds \$75,000.00 and plaintiff and defendants are citizens of different states.

6. Upon information and belief, at all relevant times, plaintiff-respondent JO-ANN D. RIPKA was, and still is, a citizen of the State of New York, residing at 5123 New York State Route 11, Pulaski, New York 13142.

7. At all relevant times, Safeco was, and still is, a stock insurance company organized pursuant to the laws of the State of New Hampshire, with its principal place of business located at 175 Berkley Street, Boston, Massachusetts.

8. At all relevant times, Peerless was, and still is, a stock insurance company organized pursuant to the laws of the State of New Hampshire, with its principal place of business located at 175 Berkley Street, Boston, Massachusetts.

9. Written notice of the filing of the Notice of Removal shall be given to adverse parties, and Safeco and Peerless shall file the notice with the Clerk of the Supreme Court of the State of New York, County of Oswego, as required by law.

10. Safeco and Peerless have not answered, moved or otherwise responded to the Summons with Notice, and no other proceedings have occurred heretofore in this action.

11. No previous application for the relief requested herein has heretofore been made.

WHEREFORE, defendants-petitioners SAFECO INSURANCE COMPANY OF AMERICA and PEERLESS INSURANCE COMPANY respectfully request that this action be removed to this Court.

Dated: New York, New York
November 26, 2014

Yours, etc.,

JAFFE & ASHER LLP

By: /s/ Marshall Potashner
Marshall T. Potashner, Esq.
Bar Roll No. 507616
Attorneys for Defendants
SAFECO INSURANCE COMPANY OF
AMERICA and PEERLESS INSURANCE
COMPANY
600 Third Avenue, 9th Floor
New York, NY 10016
(212)687-3000